



501.35319CX1

DHC

A5720

#11

7/30/01

A.W.

RECEIVED

JUL 25 2001

Technology Center 2100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Morihiro IWATA et al.

Serial No.: 09/369,327

Filed: August 6, 1999

For: PARALLEL DATABASE SYSTEM RETRIEVAL METHOD OF A
RELATIONAL DATABASE MANAGEMENT SYSTEM USING
INITIAL DATA RETRIEVAL QUERY AND SUBSEQUENT SUB-
DATA UTILIZATION QUERY PROCESSING FOR MINIMIZING
QUERY TIME (AS AMENDED)

Art Unit: 2177

Examiner: S. Channavajjala

PETITION AFTER FINAL REJECTION TO THE COMMISSIONER
UNDER 37 CFR 1.181 FOR COMPLETE OFFICE ACTION
AND RESTARTING OF PERIOD FOR RESPONSE

Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231

July 18, 2001

Sir:

The final Office Action (Paper No. 10) dated on July 3, 2001, in connection with the
above-identified application is acknowledged. However, it is submitted that the Office
Action of July 3 is incomplete for the reasons discussed below.

It is respectfully requested that a decision on this petition be issued before the due date
of October 3, 2001, for filing a response set in the Office Action of July 13.

STATEMENT OF THE FACTS

On February 7, 2001, the Examiner issued an Office Action in which he rejected claims
36-53 over the prior art.

RECEIVED

JUL 20 2001

OFFICE OF PETITIONS

On December 1, 1997, the Applicants filed an Amendment in response to the Office Action of February 7, 2001 in which they traversed the rejection of claims 36-53 over the prior art set forth in the Office Action of February 7 for the reasons set forth on pages 4-10 of the Amendment.

On July 3, 2001, the Examiner issued a final Office Action in which he repeated the rejection of claims 36-53 over the prior art set forth in the first Office Action of February 7, providing an explanation of the rejection which is identical to the explanation of the rejection provided in the first Office Action of February 7 and responding to the applicants' arguments in the Amendment as follows:

Claims 36-42 are rejected under 35 U.S.C. §102(b) as being anticipated by Gerull et al., [hereinafter Gerull], U.S. Patent No. 5426780.

Claims 43-44 are rejected under 35 U.S.C. §102(e) as being anticipated by Lin et al., [hereinafter Lin], U.S. Patent No. 5590321, **in the previous office action, examiner addresses the elements of the claims, and thus the rejection of the previous action is maintained, for the claims as amended.**

Claims 49-53 are rejected under 35 U.S.C. §102(e) as being anticipated by Carino, Jr., [hereinafter Carino], U.S. Patent No. 5754842, **in the previous office action, examiner addresses the elements of the claims, and thus the rejection of the previous action is maintained, for the claims as amended.** See page 12 of Office action (Paper No. 10).

REMARKS

M.P.E.P. 707.07(f) provides as follows in pertinent part (emphasis added):

Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.

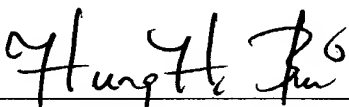
As evidenced from the Examiner's response to the Applicants' arguments, the Examiner did not take note of the applicants' arguments with respect to claims 36-53 on pages 4-10 of the Amendment filed on April 30, 2001 and answer the substance of them as required by M.P.E.P. 707.07(f). Since the Examiner did not take note of the applicants' arguments with respect to claims 36-53 on pages 4-10 of the Amendment filed on April 30, 2001 and answer the substance of them in the final Office Action of July 3 as required by MPEP 707.07(f), it is submitted that the final Office Action of July 3 is incomplete.

RELIEF REQUESTED

Since the Office Action of July 3, 2001, is incomplete for the reasons discussed above, pursuant to 37 CFR 1.181 and MPEP 710.06, it is respectfully petitioned that a complete Office Action taking note of the applicants' arguments with respect to claims 36-53 on pages 4-10 of the Amendment filed on April 30, 2001 and answer the substance of them as required by MPEP 707.07(f) be issued, and that the period for response be restarted.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Hung H. Bui (Reg. No. 40,415)
Attorney for Applicant(s)

HHB:srm
(703) 312-6600

RECEIVED
JUL 20 2001
OFFICE OF PETITIONS